

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA	:	
	:	
- v. -	:	19 Cr. 869 (ER)
	:	
NEIL COLE,	:	AUSA Declaration
	:	
Defendant.	:	
	:	
-----X	:	

I, Andrew Thomas, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant United States Attorney in the Southern District of New York and one of the attorneys with responsibility for the prosecution of this case. I respectfully submit this declaration in support of the Government's October 17, 2022 opposition to the defendant's five pretrial motions.

2. Attached hereto as Exhibit A is a true and correct copy of an email with the subject line "Iconix Korea JV," sent on March 11, 2014 by Jared Margolis to Neil Cole, copying Daniel Castle, Jason Rabin, and Ethan Cole.

3. Attached hereto as Exhibit B is a true and correct copy of an email with the subject line "RE: Iconix Korea JV," sent on March 11, 2014 by Daniel Castle to Jared Margolis and Neil Cole, copying Jason Rabin and Ethan Cole.

4. Attached hereto as Exhibit C is a true and correct copy of an email with the subject line "Board Meeting minutes," sent on March 12, 2014 by Jared Margolis to Neil Cole, Jason Rabin, Daniel Castle, and Seth Horowitz, copying Romel Maranon, David Thomas, Ethan Cole, Roger Lim, Anabel Higgin, Amanda Azzoli, Chooi Jin Tay, and Chris Wright.

5. Attached hereto as Exhibit D is a true and correct copy of an email with the subject line "Re: Board Meeting minutes," sent on March 12, 2014 by Daniel Castle to Jared Margolis, Neil Cole, Jason Rabin, and Seth Horowitz, copying Romel Maranon, David Thomas, Ethan Cole, Roger Lim, Anabel Higgin, Amanda Azzoli, Chooi Jin Tay, Chris Wright, and Bridget O'Brien.

6. Attached hereto as Exhibit E is a true and correct copy of an email with the subject line "Recap: TLC and Iconix meeting," sent on March 13, 2014 by Jared Margolis to Jason Rabin, Neil Cole, Seth Horowitz, Daniel Castle, Angela Farrugia, and Melvin Thomas, and copying Ethan Cole, Romel Maranon, and David Thomas.

7. Attached hereto as Exhibit F is a true and correct copy of an email with the subject line "Recap: TLC and Iconix meeting," sent on March 13, 2014 by Jared Margolis to Jason Rabin,

Neil Cole, Seth Horowitz, Daniel Castle, Angela Farrugia, and Melvin Thomas, copying Ethan Cole, Romel Maranon, and David Thomas.

8. Attached hereto as Exhibit G is a true and correct copy of an email with the subject line "FW: Victor," sent on April 24, 2014 by Jared Margolis to Neil Cole and Daniel Castle, copying Ethan Cole.

9. Attached hereto as Exhibit H is a true and correct copy of an email with the subject line "RE: Victor," sent on April 24, 2014 by Daniel Castle to Jared Margolis and Neil Cole, copying Ethan Cole.

10. Attached hereto as Exhibit I is a true and correct copy of an email with the subject line "Re: Victor," sent on April 24, 2014 by Jared Margolis, to Daniel Castle and Neil Cole, copying Ethan Cole.

11. Attached hereto as Exhibit J is a true and correct copy of an email with the subject line "RE: Victor," sent on May 7, 2014 by Daniel Castle to Neil Cole, which includes in the body of the email a message Castle received from Ethan Cole.

12. Attached hereto as Exhibit K is a true and correct copy of an email with the subject line "Moss: Term Sheet," sent on May 8, 2014 by Daniel Castle to Neil Cole, forwarding a message from Ethan Cole.

13. Attached hereto as Exhibit L is a true and correct copy of an email with the subject line "Mossimo Term Sheet - Confirm Language," sent on July 11, 2014 by Ethan Cole to Neil Cole, copying Jared Margolis.

14. Attached hereto as Exhibit M is a true and correct copy of an email with the subject line "Mossimo Term Sheet - Confirm Language," sent on July 11, 2014 by Ethan Cole to Neil Cole, copying Jared Margolis.

15. Attached hereto as Exhibit N is a true and correct copy of an email with the subject line "RE: Mossimo Term Sheet - Confirm Language," sent on July 11, 2014 by Neil Cole to Ethan Cole, copying Jared Margolis.

16. Attached hereto as Exhibit O is a true and correct copy of an email with the subject line "Meeting with Jared Margolis/ Thursday August 7th," sent on August 5, 2014 by an assistant to Jared Margolis to Jason Rabin, Seth Horowitz, and Neil Cole, copying Toni Lombardi, Joanna Pompilio, Pauline Israel, Jared Margolis, and Ethan Cole.

17. Attached hereto as Exhibit P is a true and correct copy of an electronic calendar invitation with the subject line "Iconix SE Asia Q2 Board Meeting," referring to a meeting scheduled for August 14, 2014, sent by David Maslaton, to Neil Cole; Seth Horowitz; Willy Burkhardt; Jared Margolis; Ethan Cole; Roger Lim; Anabel Higgin; Chooi Jin Tay; Oliver Foo; Simon Hughes.

18. Attached hereto as Exhibit Q is a true and correct copy of an email with the subject line "Mossimo Term Sheet," sent on August 15, 2014 by Ethan Cole to Seth Horowitz, copying Willy Burkhardt, Neil Cole, and Jared Margolis.

19. Attached hereto as Exhibit R is a true and correct copy of an email with the subject line "RE: Mossimo Term Sheet," sent on August 15, 2014 by Neil Cole to Ethan Cole and Seth Horowitz, copying Willy Burkhardt, Jared Margolis, and Jason Rabin.

20. Attached hereto as Exhibit S is a true and correct copy of an email with the subject line "Re: Mossimo Term Sheet," sent on August 15, 2014 by Jared Margolis to Neil Cole, copying Ethan Cole, Seth Horowitz, Willy Burkhardt, Jared Margolis, and Jason Rabin.

21. Attached hereto as Exhibit T is a true and correct copy of an email with the subject line "Mossimo Term Sheet," sent on August 15, 2014 by Ethan Cole to Seth Horowitz, copying Willy Burkhardt, Neil Cole, and Jared Margolis.

22. Attached hereto as Exhibit U is a true and correct copy of an electronic calendar appointment with the subject line "Iconix SE Asia Q2 Board Meeting," referring to a meeting scheduled for August 26, 2014, sent by David Maslaton to Neil Cole, Seth Horowitz, Willy Burkhardt, Jared Margolis, Ethan Cole, Roger Lim, Anabel Higgin, Chooi Jin Tay, Oliver Foo, and Simon Hughes.

23. Attached hereto as Exhibit V is a true and correct copy of an electronic calendar appointment with the subject line "Iconix SE Asia Q2 Board Meeting," referring to a meeting scheduled for September 15, 2014, sent by David Maslaton to Neil Cole, Seth Horowitz, Willy Burkhardt, Jared Margolis, Ethan Cole, Roger Lim, Anabel Higgin, Chooi Jin Tay, Oliver Foo, and Simon Hughes.

24. Attached hereto as Exhibit W is a true and correct copy of an email with the subject line "GBG," sent on September 16, 2014 by Seth Horowitz to Neil Cole, stating "Ethan just called to tell me we will have signatures this afternoon."

25. Attached hereto as Exhibit X is a true and correct copy of an email with the subject line "GBG," sent on September 29, 2014 by Seth Horowitz to Neil Cole referencing, among other things, a "meeting with Jared and Ethan."

26. Attached hereto as Exhibit Y is a true and correct copy of an email with the subject line "Re: GBG," sent on September 29, 2014 by Neil Cole to Seth Horowitz, acknowledging Horowitz's email about a "meeting with Jared and Ethan."

27. Attached hereto as Exhibit Z is a true and correct copy of an email with the subject line "Fwd: Victor/Mossimo Phillipines," sent on October 8, 2014 by Jared Margolis to Neil Cole and Willy Burkhardt, copying Ethan Cole.

28. Attached hereto as Exhibit AA is a true and correct copy of an email with the subject line "RE: Iconix SE Asia Board Meeting" sent on October 10, 2014 by Chooi Jin Tay to David Maslaton, Neil Cole, Seth Horowitz, Willy Burkhardt, Jared Margolis, Ethan Cole, Anabel Higgin, Roger Lim, Simon Hughes, and Sjoliny Chua.

29. Attached hereto as Exhibit BB is a true and correct copy of an email with the subject line "Re: GBG," sent on December 13, 2014 by Seth Horowitz to Neil Cole, noting, among other things, "Also reviewed all International investments with Ethan, Jared and Jason-as they needed conceptual sign off."

30. Attached hereto as Exhibit CC is a true and correct copy of an email with the subject line “Middle East JV Terms,” sent on December 18, 2014 by Ethan Cole to Neil Cole, Seth Horowitz, Lauren Gee, and Jason Schaefer, copying Jason Rabin, Jared Margolis, and Robert Smits.

31. Attached hereto as Exhibit DD is a true and correct copy of an electronic calendar appointment with the subject line “Europe Board Meeting,” referring to a meeting scheduled for December 18, 2014, sent by David Maslaton to Neil Cole, Seth Horowitz, Willy Burkhardt, Melvin Thomas, Angela Farrugia, Jared Margolis, Ethan Cole, and Inam Shah.

32. Attached hereto as Exhibit EE is a true and correct copy of an email with the subject line “RE: Call?,” sent on December 18, 2014 by Neil Cole to Seth Horowitz, responding to a message Seth Horowitz sent in which he noted, “Just spoke to Ethan.”

33. Attached hereto as Exhibit FF is a true and correct copy of an email with the subject line “Fwd: Middle East JV Terms,” sent on December 18, 2014 by Seth Horowitz to Neil Cole, forwarding Ethan Cole’s email distributing revised Middle East JV terms.

34. Attached hereto as Exhibit GG is a true and correct copy of an email with the subject line “Re: Mr. Lee signed the amendment,” sent on December 29, 2014 by Neil Cole to Jared Margolis, copying Leigh Anne Brodsky, Seth Horowitz, Jason Rabin, and Ethan Cole.

Dated: New York, New York
October 17, 2022



Andrew Thomas
Assistant United States Attorney
(212) 637-2106